

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of E.Z.J., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GENE BLAKELY,

Respondent-Appellant,

and

ARLENE JOHNSON,

Respondent.

UNPUBLISHED

January 21, 2003

No. 238444

Wayne Circuit Court

Family Division

LC No. 90-284145

Before: Cooper, P.J., and Bandstra and Talbot, JJ.

MEMORANDUM.

Respondent Blakely appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (c)(ii), (g), (j) and (k)(i). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent's sole issue on appeal is that the trial court lacked personal jurisdiction because he may not have received notice of the termination hearing. Whether the trial court has personal jurisdiction is a question of law that we review de novo on appeal. *In re NEGP*, 245 Mich App 126, 134; 626 NW2d 921 (2001).

We note that the issue has not been properly preserved for review because respondent did not raise it below. *Id.* In any event, the argument is without merit. Because personal service could not be obtained, notice of the hearing was sent to respondent's last known address by certified mail, which was sufficient. MCL 712A.13; MCR 5.920(B)(4)(b), (c); MCR 5.974(C). Therefore, the fact that the notice may not have actually reached respondent "did not preclude

the [trial] court from assuming jurisdiction and exercising its authority to act in this matter.” *In re Mayfield*, 198 Mich App 226, 233; 497 NW2d 578 (1993).

We affirm.

/s/ Jessica R. Cooper
/s/ Richard A. Bandstra
/s/ Michael J. Talbot